

ASSEMBLY BILL

No. 73

Introduced by Assembly Member Hayashi

December 15, 2008

An act to amend Sections 26840.10 and 26840.11 of the Government Code, to amend Sections 103627 and 103628 of the Health and Safety Code, and to amend Sections 18309 and 18309.5 of the Welfare and Institutions Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 73, as introduced, Hayashi. Marriage licenses: vital records: fees: domestic violence.

Existing law requires the collection of fees for issuing marriage licenses and for providing certified copies of vital records, including marriage certificates, birth certificates, fetal death records, and death records. Existing law provides for the establishment of county domestic violence program special funds for the purpose of funding local domestic violence programs. Certain fees payable at the time a marriage license or a certified copy of any of the above vital records is issued may be collected by the county clerks for deposit into these funds.

Existing law authorizes the Alameda County Board of Supervisors and the Solano County Board of Supervisors, until January 1, 2010, upon making certain findings and declarations, to authorize an increase in the fees for marriage licenses and confidential marriage licenses, up to a maximum increase of \$2. Existing law authorizes those boards of supervisors, and the City Council of the City of Berkeley, upon making certain findings and declarations, to authorize an increase in the fees for certified copies of certain vital records, up to a maximum increase of \$2. Existing law authorizes those governmental entities to make

further increases in those fees each year, as specified. Existing law requires these fees to be allocated for purposes relating to domestic violence prevention, intervention, and prosecution.

This bill would extend the operation of those provisions indefinitely.

Existing law requires the Alameda County Board of Supervisors and the Solano County Board of Supervisors to submit to the Assembly and Senate Committees on Judiciary, by July 1, 2009, reports regarding the above fee increases, as specified.

This bill would, instead, require those boards of supervisors to submit preliminary reports by July 1, 2009, and final reports by July 1, 2014.

The bill would also make technical, nonsubstantive related changes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 26840.10 of the Government Code is
2 amended to read:

3 26840.10. (a) The Alameda County Board of Supervisors,
4 upon making findings and declarations ~~for~~ on the need for
5 governmental oversight and coordination of the multiple agencies
6 dealing with domestic violence, may authorize an increase in the
7 fees for marriage licenses and confidential marriage licenses, up
8 to a maximum increase of two dollars (\$2).

9 (b) Effective July 1 of each year, the Alameda County Board
10 of Supervisors may authorize an increase in these fees by an
11 amount equal to the increase in the Consumer Price Index for the
12 San Francisco metropolitan area for the preceding calendar year,
13 rounded to the nearest half-dollar (\$0.50). The fees shall be
14 allocated pursuant to Section 18309 of the Welfare and Institutions
15 Code.

16 (c) In addition to the fee prescribed by Section 26840.1, in
17 Alameda County, the person issuing authorization for the
18 performance of a marriage or confidential marriage, or the county
19 clerk upon providing a blank authorization form pursuant to Part
20 4 (commencing with Section 500) of Division 3 of the Family
21 Code, shall collect the fees specified in subdivisions (a) and (b),
22 at the time of providing the authorization.

23 (d) The Alameda County Board of Supervisors shall submit to
24 the Assembly ~~Judiciary Committee and the Senate Judiciary~~

~~Committee, and Senate Committees on Judiciary a preliminary~~
report no later than July 1, 2009, and a final report ~~containing no~~
later than July 1, 2014. Both reports shall contain the following
information:

(1) The annual amounts of funds received and expended from
fee increases for the purpose of governmental oversight and
coordination of domestic violence prevention, intervention, and
prosecution efforts in the county.

(2) Outcomes achieved as a result of the activities associated
with the implementation of this section.

~~(e) This section shall remain in effect only until January 1, 2010,
and as of that date is repealed, unless a later enacted statute deletes
or extends that date.~~

SEC. 2. Section 26840.11 of the Government Code is amended
to read:

26840.11. (a) The Solano County Board of Supervisors, upon
making findings and declarations ~~for~~ on the need for governmental
oversight and coordination of the multiple agencies dealing with
domestic violence, may authorize an increase in the fees for
marriage licenses and confidential marriage licenses, up to a
maximum increase of two dollars (\$2).

(b) Effective July 1 of each year, the Solano County Board of
Supervisors may authorize an increase in these fees by an amount
equal to the increase in the Consumer Price Index for the San
Francisco metropolitan area for the preceding calendar year,
rounded to the nearest one-half dollar (\$0.50). The fees shall be
allocated pursuant to Section 18309.5 of the Welfare and
Institutions Code.

(c) In addition to the fee prescribed by Section 26840.1, in
Solano County, the person issuing authorization for the
performance of a marriage or confidential marriage, or the county
clerk upon providing a blank authorization form pursuant to Part
4 (commencing with Section 500) of Division 3 of the Family
Code, shall collect the fees specified in subdivisions (a) and (b),
at the time of providing the authorization.

(d) The Solano County Board of Supervisors shall submit to
the Assembly and Senate Committees on ~~Judiciary~~, *Judiciary a*
preliminary report no later than July 1, 2009, and a final report
~~containing no later than July 1, 2014. Both reports shall contain~~
the following information:

1 (1) The annual amounts of funds received and expended from
2 fee increases for the purpose of governmental oversight and
3 coordination of domestic violence prevention, intervention, and
4 prosecution efforts in the county.

5 (2) Outcomes achieved as a result of the activities associated
6 with the implementation of this section.

7 ~~(e) This section shall remain in effect only until January 1, 2010,~~
8 ~~and as of that date is repealed, unless a later enacted statute, that~~
9 ~~is enacted before January 1, 2010, deletes or extends that date.~~

10 SEC. 3. Section 103627 of the Health and Safety Code is
11 amended to read:

12 103627. (a) (1) The Alameda County Board of ~~Supervisors~~,
13 *Supervisors*, upon making findings and declarations supporting
14 the need for governmental oversight and coordination of the
15 multiple agencies dealing with domestic violence, may authorize
16 an increase in the fees for certified copies of marriage certificates,
17 birth certificates, fetal death records, and death records, up to a
18 maximum increase of two dollars (\$2).

19 (2) The City Council of the City of Berkeley, upon making
20 findings and declarations supporting the need for governmental
21 oversight and coordination of the multiple agencies dealing with
22 domestic violence, may authorize an increase in the fees for
23 certified copies of birth certificates, fetal death records, and death
24 records, up to a maximum increase of two dollars (\$2).

25 (b) Effective July 1 of each year, the Alameda County Board
26 of Supervisors and the City Council of the City of Berkeley may
27 authorize an increase in these fees by an amount equal to the
28 increase in the Consumer Price Index for the San Francisco
29 metropolitan area for the preceding calendar year, rounded to the
30 nearest half-dollar (\$0.50). The fees shall be disposed of pursuant
31 to the provisions of Section 18309 of the Welfare and Institutions
32 Code.

33 (c) In addition to the fees prescribed by subdivisions (a) and
34 (b), any applicant for a certified copy of a birth certificate, a fetal
35 death record, or death record in Alameda County or in the City of
36 Berkeley shall pay an additional fee to the local registrar, county
37 recorder, or county clerk, as applicable, as established by the
38 Alameda County Board of Supervisors or the City Council of the
39 City of Berkeley.

1 ~~(d) This section shall remain in effect only until January 1, 2010,~~
2 ~~and as of that date is repealed, unless a later enacted statute deletes~~
3 ~~or extends that date.~~

4 SEC. 4. Section 103628 of the Health and Safety Code is
5 amended to read:

6 103628. (a) The Solano County Board of Supervisors, upon
7 making findings and declarations ~~for~~ on the need for governmental
8 oversight and coordination of the multiple agencies dealing with
9 domestic violence, may authorize an increase in the fees for
10 certified copies of marriage certificates, birth certificates, fetal
11 death records, and death records, up to a maximum increase of
12 two dollars (\$2).

13 (b) Effective July 1 of each year, the Solano County Board of
14 Supervisors may authorize an increase in these fees by an amount
15 equal to the increase in the Consumer Price Index for the San
16 Francisco metropolitan area for the preceding calendar year,
17 rounded to the nearest one-half dollar (\$0.50). The fees shall be
18 allocated pursuant to Section 18309.5 of the Welfare and
19 Institutions Code.

20 (c) In addition to the fees prescribed by subdivisions (a) and
21 (b), any applicant for a certified copy of a birth certificate, a fetal
22 death record, or death record in Solano County shall pay an
23 additional fee to the local registrar, county recorder, or county
24 clerk as established by the Solano County Board of Supervisors.

25 ~~(d) This section shall remain in effect only until January 1, 2010,~~
26 ~~and as of that date is repealed, unless a later enacted statute, that~~
27 ~~is enacted before January 1, 2010, deletes or extends that date.~~

28 SEC. 5. Section 18309 of the Welfare and Institutions Code is
29 amended to read:

30 18309. (a) The Alameda County Board of Supervisors shall
31 direct the local registrar, county recorder, and county clerk to
32 deposit fees collected pursuant to Section 26840.10 of the
33 Government Code and Section 103627 of the Health and Safety
34 Code into a special fund. The county may retain up to 4 percent
35 of the fund for administrative costs associated with the collection
36 and segregation of the additional fees and the deposit of these fees
37 into the special fund. Proceeds from the fund shall be used for
38 governmental oversight and coordination of domestic violence
39 and family violence prevention, intervention, and prosecution
40 efforts among the court system, the district attorney's office, the

1 public defender's office, law enforcement, the probation
2 department, mental health, substance abuse, child welfare services,
3 adult protective services, and community-based organizations and
4 other agencies working in Alameda County in order to increase
5 the effectiveness of prevention, early intervention, and prosecution
6 of domestic and family violence.

7 (b) The City Council of the City of Berkeley shall direct the
8 local registrar to deposit fees collected pursuant to Section 103627
9 of the Health and Safety Code into a special fund. The city may
10 retain up to 4 percent of the fund for administrative costs associated
11 with the collection and segregation of the additional fees and the
12 deposit of these fees into the special fund. Proceeds from the fund
13 shall be used for governmental oversight and coordination of
14 domestic violence and family violence prevention and intervention
15 efforts, including law enforcement, mental health, public health,
16 substance abuse, victim advocacy, community education, and
17 housing, in order to increase the effectiveness of prevention, early
18 intervention, and prosecution of domestic and family violence.

19 ~~(c) This section shall remain in effect only until January 1, 2010,~~
20 ~~and as of that date is repealed, unless a later enacted statute deletes~~
21 ~~or extends that date.~~

22 SEC. 6. Section 18309.5 of the Welfare and Institutions Code
23 is amended to read:

24 18309.5. ~~(a)~~ The Solano County Board of Supervisors shall
25 direct the local registrar, county recorder, and county clerk to
26 deposit fees collected pursuant to Section 26840.11 of the
27 Government Code and Section 103628 of the Health and Safety
28 Code into a special fund.

29 The county may retain up to 4 percent of the fund for
30 administrative costs associated with the collection and segregation
31 of the additional fees and the deposit of these fees into the special
32 fund. Proceeds from the fund shall be used for governmental
33 oversight and coordination of domestic violence and family
34 violence prevention, intervention, and prosecution efforts among
35 the court system, the district attorney's office, the public defender's
36 office, law enforcement, the probation department, mental health,
37 substance abuse, child welfare services, adult protective services,
38 and community-based organizations and other agencies working
39 in Solano County in order to increase the effectiveness of

1 prevention, early intervention, and prosecution of domestic and
2 family violence.
3 ~~(b) This section shall remain in effect only until January 1, 2010,~~
4 ~~and as of that date is repealed, unless a later enacted statute, that~~
5 ~~is enacted before January 1, 2010, deletes or extends that date.~~

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